

TELEFAX COVER SHEET

MOSER, PATTERSON & SHERIDAN, LLP
 ATTORNEYS AT LAW
 595 SHREWSBURY AVENUE
 FIRST FLOOR
 SHREWSBURY, NJ 07702
 TELEPHONE (732) 530-9404
 TELEFAX (732) 530-9808

RECEIVED
 CENTRAL FAX CENTER

APR 23 2004

OFFICIAL

 THIS TELEFAX MESSAGE IS ADDRESSED TO THE PERSON OR COMPANY
 LISTED BELOW. IF IT WAS SENT OR RECEIVED INCORRECTLY, OR YOU ARE
 NOT THE INTENDED RECIPIENT, PLEASE TAKE NOTICE THAT THIS MESSAGE
 MAY CONTAIN PRIVILEGED OR CONFIDENTIAL MATERIAL, AND YOUR DUE
 REGARD FOR THIS INFORMATION IS NECESSARY. YOU MAY ARRANGE TO
 RETURN THIS MATERIAL BY CALLING THE FIRM LISTED ABOVE AT (732) 530-9404

THIS MESSAGE HAS 10 PAGES INCLUDING THIS SHEET

TO: Commissioner for Patents

FAX NO.: 703-872-9306

FROM: Steven M. Hertzberg, Esq.

DATE: April 23, 2004

MATTER: Serial No. 09/458,319 Filed: December 10, 1999

DOCKET NO.: DIVA/043

APPLICANT: Smyth, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

- | | |
|---|--|
| <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Transmittal Letter (2 copies) |
| <input type="checkbox"/> Disclosure Statement & PTO-1449 | <input type="checkbox"/> Fee Transmittal (2 copies) |
| <input type="checkbox"/> Priority Document | <input type="checkbox"/> Deposit Account Transaction |
| <input type="checkbox"/> Drawings (<u> </u> sheets) informal | <input checked="" type="checkbox"/> Facsimile Transmission Certificate |
| <input checked="" type="checkbox"/> Response under 37 CFR §1.121 with amended claims sheets | dated <u>4/23/04</u> |

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4/23/04, Facsimile No. (703) 872-9306.

Alberta Gamble Alberta Gamble
 Name of person signing this certificate

ag
 Signature and date

4/23/04

268427-1

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

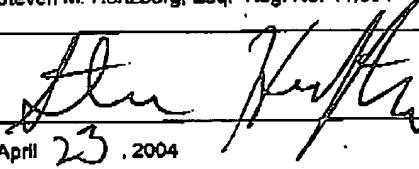
	Application Number	08/458,319
	Filing Date	December 10, 1999
	First Named Inventor	Smyth
	Group Art Unit	2611
	Examiner Name	Raman, Usha
	Attorney Docket Number	DIVA/043

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) (3 sheets) (1 sheet annotated in red ink)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response to Notice of Non-Compliant Amendment	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile transmission
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		It is believed no fee is due. However, in the event a fee is due, kindly charge that fee to deposit account number 20-0782. To facilitate that charge, a duplicate copy of this letter is enclosed
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Steven M. Hertzberg, Esq. Reg. No. 41,834
Signature	
Date	April 23, 2004

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by Facsimile Transmission, 732-872-9306/U.S. First Class Mail to Mail Stop-Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 23, 2004

Alberta Gamble
Name of person signing this certificate

Alberta Gamble April 23, 2004
Signature and date